

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 68B.32A, the Iowa Ethics and Campaign Disclosure Board hereby gives Notice of Intended Action to amend Chapter 11, "Contested Case Procedures," Iowa Administrative Code.

The proposed amendment sets out the number of days before a Board hearing that service of process is to be completed.

The proposed amendment does not contain a specific waiver provision, but the scheduling of a hearing is subject to a continuance under rule 351—11.16(17A,68B).

Any interested person may make written comments on the proposed amendment on or before June 23, 2009. Comments should be directed to Charlie Smithson, Iowa Ethics and Campaign Disclosure Board, 510 E. 12th Street, Suite 1A, Des Moines, Iowa 50319. Persons who wish to comment orally should contact Charlie Smithson at (515)281-3489.

This amendment is intended to implement Iowa Code chapter 17A and Iowa Code sections 68B.32A and 68B.32C.

The following amendment is proposed.

Amend subrule 11.5(3) as follows:

11.5(3) Time. The notice of hearing shall be served: ~~upon all parties at least 30 days before the scheduled hearing date.~~

a. Upon all parties at least 20 days before the scheduled hearing date if the alleged violation involves conduct other than the failure to timely file a statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.

b. Upon all parties at least 10 days before the scheduled hearing date if the alleged violation involves the failure to timely file a statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.

c. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a board decision concerning a civil penalty waiver request for a late-filed statement, report, or document that is required to be filed pursuant to a law or rule under the board's jurisdiction.

d. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a decision of a regulatory agency to deny or grant conditional consent for an official or employee of the regulatory agency to sell or lease goods or services as provided in 351—subrule 6.11(6).

e. Upon all parties at least 10 days before the scheduled hearing date if the hearing is an appeal of a decision by the office of the governor to deny or grant conditional consent for a member of the governor's office to sell or lease goods or services as provided in 351—subrule 6.12(4).